

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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ELAINE L. CHAO,  
Secretary of Labor,  
United States Department of Labor  
Plaintiff,  
v.  
LOCAL 170, INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS  
Defendant

Civil Action  
No. 04-CV-40112-FDS  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

CONSENT JUDGMENT

The parties hereby stipulate and agree to a settlement of this action as follows:

1. Plaintiff brought this action under Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (Act of September 14, 1959, 73 Stat. 519, et seq., 29 U.S.C. 481, et seq.) (Hereafter, "the Act") to set aside the defendant's November 9, 2003, election of the offices of Secretary-Treasurer and Third Trustee, which election was subject to the provisions of Title IV of the Act.
2. Plaintiff alleged in her Complaint that violations of Title IV of the Act occurred in connection with the election referred to in paragraph one.
3. The parties hereby stipulate and agree that a new election for the offices of Secretary-Treasurer and Third Trustee shall be conducted. The election shall be conducted under the supervision of the Plaintiff, in accordance with Title IV of the Act (29 U.S.C. §481 et seq.) and, insofar as lawful and practicable, with


the International Brotherhood of Teamsters Constitution and the Local 170 By-laws. Such election shall be conducted no later than November 12, 2004. If, for some reason, the candidates for office as of the election of November 9, 2003, are unable to run in the re-election, new nominations shall be held for the officer positions affected.

4. The defendant enters into this Consent Decree in order to avoid future costs of litigation and to promote the finality of its 2003 election of officers.
5. A pre-election conference shall be held by the plaintiff at a site provided by the defendant, not later than September 15, 2004. The conference will be used to establish the rules and procedures to be followed in the election. The conference shall be open to all Local 170 members. No less than fifteen days prior to the pre-election conference, a notice announcing the conference shall be posted at all facilities.
6. The parties stipulate and agree that in the election scheduled for not later than November 12, 2004, no monies received by way of dues, assessment, or similar levy shall be used to prepare and or distribute union election materials that promote the candidacy of the incumbent Secretary-Treasurer and/or the Third Trustee. This prohibition shall not apply to impartial election educational materials.
7. All decisions of the plaintiff as to the interpretation or application of Title IV of the Act relating to the supervised election shall be final.
8. The Court shall retain jurisdiction of this action, and after completion of the election, the plaintiff shall

certify to the Court the name of the persons so elected, and shall certify that such election was conducted in accordance with Title IV of the Act, and the provisions of the Constitution and By-Laws as referred to in paragraph four, if it is so. Upon approval of such certification, the Court shall enter a judgment declaring that such persons have been elected as shown by the certification.

9. Upon certification of the election by the Secretary of Labor, installation of the newly-certified officers shall be conducted at the next regularly scheduled membership meeting following the certification. The elected candidates shall serve the balance of the term begun at the installation of the original two officers.
10. The parties agree that each party shall bear its own fees and other expenses, including attorney's fees, incurred by such party in connection with any stage of this proceeding.


SO ORDERED, On This 13<sup>th</sup> September Day of ~~August~~ 2004.

  
F. DENNIS SAYLOR IV  
UNITED STATES DISTRICT COURT JUDGE

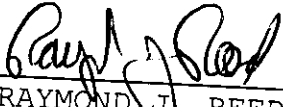
Agreed to by the Parties:

MICHAEL J. SULLIVAN  
United States Attorney


DATED:

  
ANITA JOHNSON  
Assistant U.S. Attorney  
Moakley U.S. Courthouse, Ste. 9200  
Boston, MA 02110  
617-748-3266

DATED: 9/3/04

  
RAYMOND J. REED  
Reed & Reed  
37 Highland Avenue  
Worcester, Mass. 01609  
Counsel for Defendant

DATED: 9/3/04

  
JOHN V. COMEAU III  
Secretary-Treasurer/Principal  
Officer  
Local 170  
International Brotherhood of  
Teamsters  
220 Southwest Cutoff  
Worcester, Mass. 01608  
For Defendant